

ORDINANCE NO. 28473

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN JOSE AMENDING TITLE 14 OF THE SAN JOSE
MUNICIPAL CODE TO ADD A NEW CHAPTER 14.33 IN
ORDER TO ADOPT A TRAFFIC IMPACT FEE ON NEW
OFFICE, COMMERCIAL, AND RESIDENTIAL
DEVELOPMENT WITHIN THE EVERGREEN-EAST HILLS
DEVELOPMENT POLICY AREA**

WHEREAS, the Council desires to adopt a fee to offset the impacts on traffic from new office, commercial, and residential development within the Evergreen-East Hills Development Policy Area, as identified in the Evergreen-East Hills Development Policy dated November, 2008 and adopted by the City Council by Resolution No. 74741 on December 16, 2008 (hereinafter "Policy"); and

WHEREAS, the City has prepared a study entitled "Evergreen-East Hills Traffic Impact Fee Analysis" dated November 2008, (hereinafter "Evergreen-East Hills TIF Analysis"), which specifies the traffic improvements required to serve future development subject to and consistent with the Policy, and recommends the amount of the impact fee on office, commercial, and residential development subject to the Policy; and

WHEREAS, the Evergreen-East Hills Traffic Impact Fee is subject to the applicable provisions of California Government Code section 66000 *et seq.*, commonly referred to as the "Mitigation Fee Act;" and

WHEREAS, the City Council certified an environmental impact report pursuant to the California Environmental Quality Act on December 12, 2006, by Resolution No. 73570, for the Revision to the Evergreen Development Policy ("FEIR"); and

WHEREAS, the City has prepared a Supplement to the FEIR, including related traffic impact analysis, pursuant to the California Environmental Quality Act, for the limited development and related traffic impacts thereof of the EEHDP project ("SEIR"), which SEIR specifies improvements to mitigate in part those traffic impacts identified in the SEIR; and

WHEREAS, the improvements specified in the traffic impact analysis and the traffic mitigations specified in the SEIR do not include traffic improvements that may be required as a result of the project-specific impacts of any future development that may be identified with regard to individual development applications for which such development shall also be liable; and

WHEREAS, the potential environmental impacts related to the proposed EEHDP were analyzed in the SEIR (PP08-121) entitled "Revision of the Evergreen Development Policy (EEHDP) (PP08-121)," and were considered along with the FEIR by the City Council on December 16, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Title 14 of the San José Municipal Code is amended to add a new chapter, to be numbered, entitled and to read as follows:

CHAPTER 14.33
EVERGREEN-EAST HILLS DEVELOPMENT POLICY TRAFFIC IMPACT FEE
REQUIREMENTS

14.33.010 Purpose and Findings

On December 16, 2008, the City Council adopted the November 2008 Evergreen-East Hills Development Policy accommodating the intensification of office, residential, and commercial development in the Evergreen-East Hills Development Policy area boundaries. The potential intensification of residential, commercial, and office development in the Policy area will allow for the development of up to an additional 500 residential units, 500,000 square feet of commercial retail, and 75,000 square feet of office development in the Evergreen-East Hills Development Policy area. The Evergreen-East Hills Development Policy specifies required transportation improvements to mitigate the impacts from the intensification of residential, commercial, and office development in the Policy area. It is the intent and purpose of the City Council in adopting this Chapter to provide in part for the traffic improvements required as a result of the adoption of the November 2008 Evergreen-East Hills Development Policy through the adoption of an Evergreen-East Hills Traffic Impact Fee to be charged to all new residential, commercial, and office development subject to the Policy in the manner specified in the November 2008 Evergreen-East Hills Traffic Impact Fee Analysis accepted by the City Council on December 16, 2008.

14.33.020 Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Chapter:

- A. "Commercial" means any use of land specified as a commercial use in Title 20 of this Code.
- B. "Evergreen-East Hills Development Policy area" means the land within the City's Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and the area generally north of the intersection of U.S. Highway 101 and Hellyer

Avenue where the northern boundary of the Edenvale Development Policy Area ends, as specified and depicted in the Evergreen-East Hills Development Policy adopted by the City Council on December 16, 2008 and in the Supplement to the Environmental Impact certified by the Planning Commission on December 3, 2008. The Evergreen-East Hills Development Policy, the Final Environmental Impact Report certified on December 12, 2006, by Resolution No. 73570, and the Supplement to the Environmental Impact Report are maintained for public review in the office of the planning division of the Department of Planning, Building And Code Enforcement.

- C. "Evergreen-East Hills Development Policy" is the policy adopted by Resolution No. 74741 of the Council on December 16, 2008, entitled the December 2008 Evergreen-East Hills Development Policy in order to accommodate the intensification of office, residential, and commercial development within the Evergreen-East Hills area.
- D. "Evergreen-East Hills Traffic Impact Fee" means the fee adopted by the City Council pursuant to this Chapter.
- E. "Evergreen-East Hills Traffic Impact Fee Analysis" is the fee study entitled, Evergreen-East Hills Traffic Impact Fee Analysis, dated November, 2008, and is maintained for public review in the Transportation Planning and Project Delivery Division of the Department of Transportation.
- F. "Office" means any use of land specified as an office use in Title 20 of this Code.
- G. "Residential" means any use of land specified as a residential use in Title 20 of this Code.

14.33.030 Application of Chapter

This Chapter establishes the requirements for the Evergreen-East Hills Traffic Impact Fee for all residential, commercial, and office development that contributes trips within the Evergreen-East Hills area and draws from either the residential, commercial, or office development pool approved through the Evergreen-East Hills Development Policy occurring after the effective date of this Chapter, March 15, 2009. The Evergreen-East Hills Traffic Impact Fee is limited to providing funding in the amounts and for those improvements specified in the Evergreen-East Hills Traffic Impact Fee Analysis. Nothing in this Chapter shall restrict the ability of the City to require dedication of land, payment of fees, or construction of improvements for needs other than, or in addition to, the improvements specified in the Evergreen-East Hills Traffic Impact Fee Analysis.

14.33.040 Traffic Impact Fee Requirement

- A. Prior to the issuance of Building Permit for office, commercial, or residential development within the Evergreen-East Hills Development Policy area that draws from the residential, commercial, or office development pool approved through the Evergreen-East Hills Development Policy, the Evergreen-East Hills Traffic Impact Fee shall be paid in the following amount based upon the use of land:

| <u>Land Use</u> | <u>Fee</u> |
|------------------------|----------------------------|
| Residential: | \$13,214 per Dwelling Unit |
| Commercial: | \$11.49 per Square Foot |
| Office: | \$11.49 per Square Foot |

- B. The Evergreen-East Hills Traffic Impact Fee specified in subsection B above shall be increased by the Engineering News-Record (ENR) Construction Cost Index for San Francisco urban area, published by the McGraw Hill, on January 1 of every year.
- C. No Building Permit shall be issued for office, commercial, or residential development in the Evergreen-East Hills Development Policy area where development draws from the residential, commercial, or office development pool approved through the Evergreen-East Hills Development Policy, unless and until the Evergreen-East Hills Traffic Impact Fee has been paid in full.

14.33.050 Accounting of Evergreen-East Hills Traffic Impact Fees

All Evergreen-East Hills Traffic Impact Fees shall be deposited into the designated Evergreen-East Hills Traffic Impact Fee fund. The Evergreen-East Hills Impact Fee fund, including accrued interest, shall be subject to the all of the applicable provisions of Government Code section 66000 *et seq.*, including but not limited to the requirements for accounting, reporting and expenditure of the fund for the improvements specified in the Evergreen-East Hills Traffic Impact Fee Analysis.

14.33.060 Expiration of Evergreen-East Hills Traffic Impact Fees

All Evergreen-East Hills Traffic Impact Fees shall be collected until the improvements specified in the Evergreen-East Hills Traffic Impact Fee Analysis are fully funded and constructed. In the event that public funds are advanced to accelerate the construction of the improvements specified in the Evergreen-East Hills Traffic Impact Fee Analysis, the Evergreen-East Hills Traffic Impact Fees shall be collected until all advanced City funding is fully reimbursed to the City.

SECTION 2. This ordinance shall take effect on March 15, 2009.

PASSED FOR PUBLICATION of title this 16TH day of December, 2008, by the following vote:

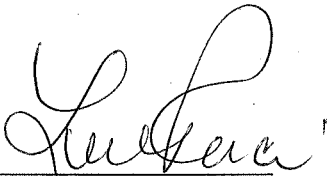
AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

Evergreen East Hills Development Policy Traffic Impact Fee Analysis November 2008

Hexagon Transportation Consultants, Inc. and the City of San Jose have completed a Traffic Impact Fee Analysis for the proposed Evergreen East Hills Development Policy (EEHDP) project. The purpose of the analysis is to establish a traffic impact fee to be applied to proposed new developments in accordance with the EEHDP. Based on direction by City staff, potential residential and non-residential development sites within the Evergreen area were analyzed separately, with distinct traffic impact fees applied to each type of development.

Intersection Level of Service Impacts

Intersection levels of service were evaluated assuming buildout of the EEHDP project. The analysis does not include the new signalized intersections that would be created by the planned reconstruction of the US 101 interchanges at Capitol Expressway and at Tully Road. Impacts of project buildout were evaluated following the standards and methodologies set forth by the City of San Jose. According to the Transportation Impact Policy, the project would have a significant impacts and proposed mitigations on 8 of the intersections that were studied:

- Capitol Expressway and Quimby Road
- Capitol Expressway and Aborn Road
- Capitol Expressway and Silver Creek Road
- White Road and Quimby Road
- White Road and Aborn Road
- San Felipe Road and Yerba Buena Road (South)
- Nieman Boulevard and Aborn Road
- Nieman Boulevard and Yerba Buena Road

Mitigation of Intersection Level of Service Impacts

Transportation improvements were identified, where feasible, to mitigate significant project impacts on intersection levels of service. The mitigation measures identified in this nexus study consist of the minimum improvements necessary to satisfactorily mitigate the project's impact at each location. Mitigation measures were investigated for each of the intersections with impacts under the Transportation Impact Policy. Table 1 lists the significantly impacted intersections and associated mitigation measures.

Table 1
Summary of Significant Intersection Impacts and Proposed Mitigation Measures

| Study Number | Intersection | Mitigation |
|--------------|--|--|
| 13 | Capitol Expressway and Silver Creek Road | Conversion of HOV lane or Construct a 3 rd left turn lane on the Westbound Silver Creek Road approach to southbound Capitol |
| 14 | Capitol Expressway and Aborn Road | Conversion of HOV lanes or Construct a 3 rd eastbound through lane on Aborn Road |
| 16 | Capitol Expressway and Quimby Road | Add Exclusive NB and EB RT lanes |
| 56 | White Road and Quimby Road | Add a 2 nd NB LT lane |
| 58 | White Road and Aborn Road | Add a 2 nd WB LT lane |
| 63 | San Felipe Road and Yerba Buena Road (South) | Add a 2 nd EB LT lane and a 2 nd SB LT lane |
| 84 | Nieman Boulevard and Aborn Road | Convert a SB thru lane to a 2 nd SB LT lane |
| 91 | Nieman Boulevard and Yerba Buena Road | Add a 2 nd WB LT Lane |

Signal Warrant Analysis

Unsignalized intersections in the Evergreen area that warrant signalization were identified for project conditions. Table 2 presents a list of the intersections at which new traffic signals are required. At some intersections, the existing traffic volumes already meet signal warrants, and the addition of project-generated traffic would exacerbate the need for signalization. Additionally, there are three intersections that are not projected to meet signal warrants at this time, but are located where a major cross street intersects a General Plan street. It is anticipated that signal warrants will be met at some time in the future. The existing four-way stops at these intersections were installed as an interim measure until funding could be obtained for signals. The City generally seeks to avoid four-way stops on major streets because they cause unnecessary delay. These three intersections are:

- Ruby Avenue / Tully Road / Murillo Avenue
- Nieman Blvd. / Daniel Maloney Drive
- Ruby Avenue / Norwood Avenue

Table 2
Required New Traffic Signals

| Intersection |
|--|
| Story Rd. / Lancelot Ln. |
| Story Rd. / Clayton Rd. |
| S. Jackson Ave. / I-680 (N) |
| Ocala Ave. / Adrian Way |
| Ocala Ave. / Hillmont Ave. |
| Marten Ave. / Flint Ave |
| Marten Ave. / Mt. Rushmore Dr. |
| Tully Rd. / Ruby Ave. / Murillo Ave. |
| Tully Rd. / Almond Dr.* |
| Quimby Rd. / Scottsdale Dr. |
| Quimby Rd. / Arcadia Property* |
| Nieman Blvd. / Daniel Maloney Dr. |
| Capitol Expressway / Arcadia Property* |
| Ruby Ave. / Norwood Ave. |

* Required for site access. Benefit is not area wide; therefore, the cost of this improvement is not included in the calculation of the areawide traffic impact fee. Improvement will be funded by the developer of the adjacent site.

New traffic signals that are necessary to provide direct access to and from a project site are explicitly identified. Because the benefit associated with these improvements is not area wide, the cost of these improvements is not included in the calculation of the area wide traffic impact fee. New signals that provide direct access to a particular project site will be funded by the developer of that site.

Freeway Level of Service Analysis

In addition to the intersection level of service analysis, the effect of project traffic on freeways was evaluated. The results of the CMP freeway level of service analysis are summarized in Table 3. Traffic volumes on the study freeway segments under project conditions were estimated by adding project trips to the existing volumes obtained from the 2006 CMP Annual Monitoring Report. The results show that the project would cause significant increases in traffic volumes (more than one percent of freeway capacity) on the following nine directional freeway segments:

- US 101, northbound between Yerba Buena Road and Capitol Expressway – AM peak hour
- US 101, northbound between Capitol Expressway and Tully Road – AM peak hour
- US 101, southbound between Capitol Expressway and Tully Road – PM peak hour
- US 101, southbound between Tully Road and Story Road – PM peak hour
- US 101, southbound between Story Road and I-280 – PM peak hour
- I-280, eastbound between SR 87 and Tenth Street – PM peak hour
- I-280, westbound between SR 87 and Tenth Street – AM peak hour
- I-280, westbound between Tenth Street and McLaughlin Avenue – AM peak hour
- I-280, westbound between McLaughlin Avenue and US 101 – AM peak hour

Mitigation Measures for Freeway Impacts

In conjunction with the City of San Jose and Caltrans, the VTA has completed a corridor study of US 101 between I-280/I-680 and Yerba Buena Road. The study identified all feasible improvements to remedy existing and projected operational problems in the corridor. The proposed freeway improvements would improve traffic operations on southbound US 101 between Tully Road and Story Road. With the improvements, this segment would continue to operate at an unacceptable level of service (LOS F); however, traffic conditions would be better than under existing conditions.

Improvements to US 101 beyond those identified in the VTA corridor plan are not feasible because they would require the acquisition of extensive additional right-of-way, which would cause unacceptable impacts on the adjacent land uses. Likewise, improvements to mitigate significant project impacts on I-280 also are infeasible due to right-of-way constraints and the land use impacts associated with acquiring additional right-of-way.

Cost of Intersection and Freeway Improvements

Table 4 shows the costs of the recommended intersection and freeway improvements. The cost estimates were provided by City staff. The costs for intersection improvements were apportioned to the residential and non-residential land uses, based on the number of trips added by each land use, at each of the impacted intersections.

Table 3

| Existing Plus Project Trips | | | | | | | | | | | | | | | | | Project Trips | | | | |
|-----------------------------|----------------|-----------|-----------|--------------------|----------------|---------------|----------|-------|--------------------|----------------|---------------|---------|----------|--------------|----------|---------|---------------|----------|----|------|-----|
| Freeway | Segment | Direction | Peak Hour | Mixed-Flow | | | HOV Lane | | | Mixed-Flow | | | HOV Lane | | | Impact? | | | | | |
| | | | | Ave. Speeds/ Lanes | Capacity (VPH) | Volume/ Lanes | Density | LOS | Ave. Speeds/ Lanes | Capacity (VPH) | Volume/ Lanes | Density | LOS | Total Volume | Capacity | | Volume | Capacity | | | |
| US 101 | Hellyer Ave | NB | AM | 27 | 3 | 6,900 | 5,607 | 69.2 | F | 38 | 1 | 1,800 | 2,054 | 54.0 | E | 21 | 17 | 0.3% | 4 | 0.2% | NO |
| US 101 | Yerba Buena Rd | NB | PM | 64 | 3 | 6,900 | 6,184 | 32.2 | D | 67 | 1 | 1,800 | 549 | 8.2 | A | 53 | 44 | 0.6% | 9 | 0.5% | NO |
| US 101 | Capitol Expwy | NB | PM | 24 | 3 | 6,900 | 5,308 | 78.5 | F | 64 | 1 | 1,800 | 2,133 | 33.3 | D | 131 | 108 | 1.6% | 13 | 1.3% | YES |
| US 101 | Capitol Expwy | NB | AM | 19 | 3 | 6,900 | 4,018 | 20.3 | C | 67 | 1 | 1,800 | 762 | 11.2 | B | 70 | 58 | 0.8% | 12 | 0.7% | NO |
| US 101 | Tully Rd | NB | PM | 68 | 3 | 6,900 | 4,885 | 85.7 | F | 40 | 1 | 1,800 | 2,101 | 62.6 | E | 117 | 98 | 1.4% | 21 | 1.2% | YES |
| US 101 | Tully Rd | NB | AM | 41 | 3 | 6,900 | 4,777 | 24.1 | C | 67 | 1 | 1,800 | 476 | 7.1 | A | 33 | 27 | 0.4% | 6 | 0.3% | NO |
| US 101 | Story Rd | NB | PM | 66 | 3 | 6,900 | 6,380 | 51.9 | E | 62 | 1 | 1,800 | 2,184 | 35.4 | A | 134 | 110 | 1.6% | 24 | 1.3% | NO |
| US 101 | Story Rd | NB | AM | 66 | 3 | 6,900 | 4,808 | 24.3 | C | 67 | 1 | 1,800 | 552 | 8.2 | A | 70 | 58 | 0.8% | 12 | 0.7% | NO |
| US 101 | I-280 | NB | PM | 67 | 3 | 6,900 | 4,859 | 24.8 | C | 66 | 1 | 1,800 | 1,876 | 28.4 | D | 145 | 119 | 1.7% | 26 | 1.4% | NO |
| US 101 | I-280 | NB | AM | 18 | 3 | 6,900 | 2,876 | 14.3 | B | 67 | 1 | 1,800 | 484 | 7.2 | A | 80 | 66 | 1.0% | 14 | 0.8% | NO |
| US 101 | Santa Clara St | SB | PM | 66 | 3 | 6,900 | 4,746 | 87.9 | F | 13 | 1 | 1,800 | 1,390 | 106.2 | F | 56 | 46 | 0.7% | 10 | 0.6% | NO |
| US 101 | I-280 | SB | AM | 67 | 3 | 6,900 | 3,461 | 20.1 | C | 87 | 1 | 1,800 | 876 | 13.1 | B | 33 | 27 | 0.4% | 6 | 0.3% | NO |
| US 101 | I-280 | SB | AM | 16 | 3 | 6,900 | 4,495 | 93.6 | F | 67 | 1 | 1,800 | 407 | 8.1 | A | 38 | 31 | 0.5% | 7 | 0.4% | NO |
| US 101 | I-280 | SB | AM | 87 | 3 | 6,900 | 2,488 | 12.4 | B | 32 | 1 | 1,800 | 1,957 | 61.2 | F | 42 | 35 | 0.5% | 7 | 0.4% | NO |
| US 101 | Story Rd | SB | AM | 66 | 3 | 6,900 | 5,007 | 82.5 | F | 57 | 1 | 1,800 | 2,239 | 38.3 | D | 106 | 87 | 1.3% | 19 | 1.0% | YES |
| US 101 | Tully Rd | SB | AM | 15 | 3 | 6,900 | 5,022 | 25.4 | C | 67 | 1 | 1,800 | 485 | 7.2 | A | 87 | 72 | 1.0% | 15 | 0.9% | NO |
| US 101 | Capitol Expwy | SB | AM | 58 | 3 | 6,900 | 4,803 | 98.7 | F | 54 | 1 | 1,800 | 2,227 | 41.2 | D | 93 | 76 | 1.3% | 17 | 0.9% | YES |
| US 101 | Capitol Expwy | SB | AM | 66 | 3 | 6,900 | 6,139 | 58.5 | F | 68 | 1 | 1,800 | 1,730 | 14.2 | B | 64 | 53 | 0.8% | 11 | 0.6% | NO |
| US 101 | Yerba Buena Rd | SB | PM | 66 | 3 | 6,900 | 4,018 | 20.3 | C | 67 | 1 | 1,800 | 813 | 12.1 | B | 71 | 58 | 0.8% | 13 | 0.7% | NO |
| US 101 | Yerba Buena Rd | SB | AM | 66 | 3 | 6,900 | 4,628 | 23.4 | C | 67 | 1 | 1,800 | 1,227 | 18.3 | C | 95 | 78 | 1.1% | 17 | 0.9% | NO |
| US 101 | SR 87 | EB | PM | 66 | 3 | 6,900 | 4,374 | 22.1 | C | 67 | 1 | 1,800 | 1,013 | 15.1 | B | 17 | 14 | 0.2% | 3 | 0.2% | NO |
| US 101 | SR 87 | EB | AM | 66 | 4 | 9,200 | 5,388 | 27.2 | D | 67 | 1 | 1,800 | 1,148 | 17.1 | B | 46 | 38 | 0.5% | 8 | 0.5% | NO |
| US 101 | 10th St | EB | PM | 25 | 4 | 9,200 | 5,808 | 21.2 | C | - | - | - | - | - | - | 89 | 69 | 0.8% | 0 | - | NO |
| US 101 | 10th St | EB | AM | 65 | 4 | 9,200 | 7,389 | 73.9 | F | - | - | - | - | - | - | 89 | 89 | 1.0% | 0 | - | YES |
| US 101 | McLaughlin Ave | EB | PM | 65 | 4 | 9,200 | 8,129 | 31.3 | D | - | - | - | - | - | - | 69 | 69 | 0.8% | 0 | - | NO |
| US 101 | McLaughlin Ave | EB | AM | 54 | 4 | 9,200 | 8,949 | 41.4 | D | - | - | - | - | - | - | 89 | 89 | 1.0% | 0 | - | NO |
| US 101 | US 101 | EB | AM | 66 | 4 | 9,200 | 6,928 | 26.3 | D | - | - | - | - | - | - | 69 | 69 | 0.8% | 0 | - | NO |
| US 101 | US 101 | WB | AM | 6 | 4 | 9,200 | 7,479 | 28.3 | D | - | - | - | - | - | - | 89 | 69 | 0.8% | 0 | - | NO |
| US 101 | McLaughlin Ave | WB | AM | 6 | 4 | 9,200 | 3,401 | 141.7 | F | - | - | - | - | - | - | 91 | 91 | 1.0% | 0 | - | YES |
| US 101 | McLaughlin Ave | WB | PM | 65 | 4 | 9,200 | 8,131 | 31.3 | D | - | - | - | - | - | - | 71 | 71 | 0.3% | 0 | - | NO |
| US 101 | 10th St | WB | AM | 12 | 4 | 9,200 | 5,325 | 110.9 | F | - | - | - | - | - | - | 95 | 95 | 1.0% | 0 | - | YES |
| US 101 | 10th St | WB | PM | 65 | 4 | 9,200 | 7,876 | 30.3 | D | - | - | - | - | - | - | 95 | 95 | 1.0% | 0 | - | NO |
| US 101 | SR 87 | WB | AM | 25 | 4 | 9,200 | 7,395 | 74.0 | F | - | - | - | - | - | - | 78 | 78 | 0.6% | 0 | - | YES |
| US 101 | SR 87 | WB | PM | 66 | 4 | 9,200 | 7,208 | 27.3 | D | - | - | - | - | - | - | 95 | 95 | 1.0% | 0 | - | NO |
| US 101 | King Rd | WB | PM | 66 | 4 | 9,200 | 5,581 | 21.1 | C | - | - | - | - | - | - | 78 | 78 | 0.3% | 0 | - | NO |
| US 101 | Capitol Expwy | NB | AM | 66 | 4 | 9,200 | 6,905 | 26.2 | D | - | - | - | - | - | - | 41 | 41 | 0.4% | 0 | - | NO |
| US 101 | Capitol Expwy | NB | AM | 39 | 4.2 | 9,660 | 8,307 | 50.7 | E | - | - | - | - | - | - | 45 | 45 | 0.5% | 0 | - | NO |
| US 101 | Alum Rock Ave | NB | PM | 63 | 4.2 | 9,660 | 8,605 | 32.5 | D | - | - | - | - | - | - | 37 | 37 | 0.4% | 0 | - | NO |
| US 101 | Alum Rock Ave | NB | AM | 19 | 4 | 9,200 | 6,408 | 84.3 | F | - | - | - | - | - | - | 35 | 35 | 0.4% | 0 | - | NO |
| US 101 | Capitol Expwy | SB | PM | 68 | 4 | 9,200 | 6,365 | 24.1 | C | - | - | - | - | - | - | 28 | 28 | 0.3% | 0 | - | NO |
| US 101 | Capitol Expwy | SB | AM | 13 | 4 | 9,200 | 5,445 | 104.7 | F | - | - | - | - | - | - | 25 | 25 | 0.3% | 0 | - | NO |
| US 101 | King Rd | SB | PM | 64 | 4 | 9,200 | 8,474 | 33.1 | D | - | - | - | - | - | - | 35 | 35 | 0.3% | 0 | - | NO |
| US 101 | King Rd | SB | AM | 11 | 4.4 | 10,120 | 5,455 | 112.7 | F | - | - | - | - | - | - | 24 | 24 | 0.3% | 0 | - | NO |
| US 101 | US 101 | SB | PM | 66 | 4 | 9,200 | 6,414 | 22.1 | C | - | - | - | - | - | - | 35 | 35 | 0.3% | 0 | - | NO |
| US 101 | US 101 | SB | AM | 8 | 4 | 9,200 | 4,143 | 129.5 | F | - | - | - | - | - | - | 24 | 24 | 0.2% | 0 | - | NO |
| US 101 | US 101 | SB | PM | 66 | 4 | 9,200 | 5,570 | 21.1 | C | - | - | - | - | - | - | 43 | 43 | 0.4% | 0 | - | NO |

Table 4

Cost Apportionment for Required Improvements at Impacted Intersections

| | Total Cost of Required Improvement | Total Plan Added Trips | Residential Added Trips | Factored Residential Trips | Non-Residential Added Trips | Residential Cost | Non-Residential Cost |
|---|--|---------------------------|----------------------------|----------------------------------|--------------------------------|---------------------|-------------------------|
| Signalized Intersections | | | | | | | |
| Capitol Expwy and Quimby Rd* | \$1,000,000 | 1,493 | 89 | 779 | 1,404 | \$584,611 | \$435,389 |
| Capitol Expwy and Aborn Rd* | \$1,250,000 | 577 | 59 | 466 | 518 | \$812,181 | \$437,819 |
| Capitol Expwy and Creek Rd* | \$1,250,000 | 264 | 58 | 476 | 206 | \$1,053,049 | \$196,951 |
| White Road and Quimby Road | \$500,000 | 1,248 | 100 | 616 | 1,148 | \$271,091 | \$228,909 |
| White Road and Aborn Road | \$500,000 | 1,293 | 121 | 855 | 1,172 | \$333,932 | \$166,068 |
| San Felipe Rd and Yerba Buena Rd (S) | \$1,269,000 | 629 | 226 | 1,685 | 403 | \$1,175,497 | \$93,503 |
| Nieman Blvd and Aborn Rd | \$385,000 | 655 | 32 | 231 | 623 | \$157,326 | \$227,674 |
| Nieman Blvd and Yerba Buena Rd | \$800,000 | 285 | 236 | 1,244 | 49 | \$777,507 | \$22,493 |
| Unsignalized Intersections | | | | | | | |
| Various ¹ | \$4,950,000 | 5,809 | 495 | — | 5,314 | \$421,802 | \$4,528,198 |
| US 101, between I-280 and Yerba Buena Road | | | | | | | |
| US 101 Corridor Improvements (\$81,700,000 Total Cost) | \$1,307,200 ² | 367 | 292 | — | 75 | \$1,040,061 | \$267,139 |
| Totals: | \$13,211,200 | | | | | \$6,607,058 | \$6,604,142 |

* Denotes CMP Intersection.

¹ Does not include the cost of three new traffic signals required for site access because the benefit is not area wide.
New traffic signals that provide site access will be funded by the developer of the adjacent site.² Evergreen new development traffic is equal to 1.6% of freeway capacity. Therefore, cost responsibility is 1.6% of the total cost of corridor improvements.

Allocation Methodology for Intersections

The thresholds of significance for traffic impacts are different in Evergreen for residential versus non-residential development. The threshold for residential development is one trip, whereas the threshold for non-residential development is ½% increase in traffic. Because the residential standard is more stringent, it can be said that, trip for trip, residential traffic is considered to have more impact within Evergreen than non-residential traffic. Therefore, to establish a fair-share cost split between residential and non-residential development, the residential trips were factored up. The factors were developed based on the ratio between one trip and the number of trips that constitute a ½% traffic increase at each intersection.

Allocation Methodology for Freeway Segments

The total cost associated with the planned improvements to the segment of US 101 between I-280 and Yerba Buena Road is estimated at \$81,700,000. As previously shown in Table 3, the peak hour trips generated by the Evergreen project that would be added to the segment of US 101 between I-280 and Yerba Buena Road would equate to 1.6 percent of capacity or less for this freeway segment. Therefore, the Evergreen project's fair share cost for the planned freeway improvements was calculated by applying the maximum calculated increase in freeway capacity of 1.6 percent for this segment to the total cost for the planned improvements (\$81,700,000), which equates to \$1,307,200. The cost was then apportioned to the residential and non-residential land uses, based on the number of trips added by each land use to this segment of US 101.

Traffic Impact Fee Calculation by Land Use

The traffic impact fee amount was calculated for project buildout, based on the number of peak-hour trips generated by the allowed development. Table 5 presents the impact fee calculation. Because of the various land uses, separate fees were calculated for each type. The fees per unit for residential dwellings would be \$13,214; and the fee per 1,000 square feet of non-residential development would be \$11,485.

Table 5
Calculation of Traffic Impact Fee for New Development

| Land Use | Size | Units | Cost Apportioned to Land Use | Fee/Unit |
|--------------------|------|-------|---------------------------------|----------|
| Residential | 500 | DU | \$6,607,058 | \$13,214 |
| Non-Residential | 575 | KSF | \$6,604,142 | \$11,485 |
| Total Cost: | | | \$13,211,200 | |